

AMENDED IN SENATE MAY 7, 2009  
AMENDED IN SENATE APRIL 27, 2009

**SENATE BILL**

**No. 512**

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**Introduced by Committee on Education (Senators Romero (Chair),  
Alquist, Hancock, Huff, Liu, Maldonado, Padilla, Simitian, and  
Wyland)**

February 26, 2009

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An act to amend Sections 44221, 44225.6, 44251, 44259, 44263, 44332.5, 44421, 44422, 44426, 44830.7, 44853, 44856, 44917, 44980, 44987.3, 52127, and 52163 of the Education Code, relating to teacher credentialing.

LEGISLATIVE COUNSEL'S DIGEST

SB 512, as amended, Committee on Education. Education.

Existing law establishes the Commission on Teacher Credentialing to issue teaching and services credentials, and to establish standards for the issuance and renewal of credentials, certificates, and permits.

This bill would update references to the commission. The bill would also update cross-references, delete obsolete provisions, and would make other technical, nonsubstantive changes.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 44221 of the Education Code is amended
- 2 to read:
- 3 44221. The commission may employ personnel as necessary
- 4 to carry out its duties and responsibilities. The staff of the

1 commission shall be subject to the provisions of the State Civil  
2 Service Act contained in Part 2 (commencing with Section 18500)  
3 of Division 5 of Title 2 of the Government Code.

4 All persons, other than temporary employees, serving in the state  
5 civil service and engaged in the performance of a function  
6 transferred to the Commission on Teacher Credentialing or engaged  
7 in the administration of a law, the administration of which is  
8 transferred to the commission, shall remain in the state civil service  
9 and may request transfer to the commission or remain with the  
10 department on the effective date of this section. The status,  
11 position, and rights of any person shall not be affected by his or  
12 her transfer and shall continue to be retained pursuant to the State  
13 Civil Service Act, except as to positions the duties of which are  
14 vested in a position that is exempt from civil service.

15 SEC. 2. Section 44225.6 of the Education Code is amended to  
16 read:

17 44225.6. (a) By April 15 of each year, the commission shall  
18 report to the Legislature and the Governor on the availability of  
19 teachers in California. This report shall include the following  
20 information:

21 (1) The number of individuals recommended for credentials by  
22 institutions of higher education and each type of credential,  
23 certificate, or authorization for which they were recommended,  
24 including authorizations issued pursuant to Sections 44253.3 and  
25 44253.4.

26 (2) The number of individuals recommended by school districts  
27 operating district internship programs and each type of credential,  
28 certificate, or authorization for which they were recommended,  
29 including authorizations issued pursuant to Sections 44253.3 and  
30 44253.4.

31 (3) The number of individuals receiving an initial credential  
32 based on a program completed outside of California and each type  
33 of credential, certificate, or authorization for which they were  
34 recommended, including authorizations issued pursuant to Sections  
35 44253.3 and 44253.4.

36 (4) The number of individuals receiving an emergency permit,  
37 credential waiver, or other authorization that does not meet the  
38 definition of a highly qualified teacher under the federal No Child  
39 Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.).

1 (5) The number of individuals receiving the certificate of  
2 completion of staff development in methods of specially designed  
3 content instruction delivered in English pursuant to subdivision  
4 (d) of Section 44253.10 and, separately, pursuant to paragraph (1)  
5 of subdivision (e) of Section 44253.11.

6 (6) Statewide, by county, and by school district, the number of  
7 individuals serving in the following capacities and as a percentage  
8 of the total number of individuals serving as teachers statewide,  
9 in the county, and in the school district:

10 (A) University internship.

11 (B) District internship.

12 (C) Preinternship.

13 (D) Emergency permit.

14 (E) Credential waiver.

15 (F) Preliminary or clear credential.

16 (G) An authorization, other than those listed in this paragraph,  
17 that does not meet the definition of a highly qualified teacher under  
18 the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301  
19 et seq.) by category of authorization.

20 (H) An authorization issued pursuant to Section 44253.3.

21 (I) Certificates or authorizations issued pursuant to Section  
22 44253.3, 44253.4, 44253.10, or 44253.11, if available.

23 (J) The number of individuals serving English learner pupils in  
24 settings calling for English language development, in settings  
25 calling for specially designed academic instruction in English, or  
26 in primary language instruction, without the appropriate  
27 authorization under Section 44253.3, 44253.4, 44253.10, or  
28 44253.11, or under another statute, if available. The commission  
29 may utilize data from the department's Annual Language Census  
30 Survey to report the data required pursuant to this paragraph.

31 (7) The specific subjects and teaching areas in which there are  
32 a sufficient number of new holders of credentials to fill the  
33 positions currently held by individuals with emergency permits.

34 (b) The commission shall make this report available to school  
35 districts and county offices of education to assist them in the  
36 recruitment of credentialed teachers and shall make the report and  
37 supporting data publicly available on the commission's Web site.

38 (c) A common measure of whether teacher preparation programs  
39 are meeting the challenge of preparing increasing numbers of new  
40 teachers is the number of teaching credentials awarded. The number

1 of teaching credentials recommended by these programs and  
2 awarded by the commission are indicators of the productivity of  
3 teacher preparation programs. The commission shall include in  
4 the report prepared for the Legislature and Governor pursuant to  
5 subdivision (a) the total number of teaching credentials  
6 recommended by all accredited teacher preparation programs  
7 authorized by the commission and the number recommended by  
8 each of the following:

- 9 (1) The University of California system.
- 10 (2) The California State University system.
- 11 (3) Independent colleges and universities that offer teacher  
12 preparation programs approved by the commission.
- 13 (4) Other institutions that offer teacher preparation programs  
14 approved by the commission.

15 *(d) For purposes of this section, "authorization" has the same*  
16 *meaning as defined in subdivision (d) of Section 44203.*

17 SEC. 3. Section 44251 of the Education Code is amended to  
18 read:

19 44251. (a) The period for which a credential, as authorized  
20 under Section 44250 issued prior to September 1, 1985, is valid  
21 shall be as follows:

- 22 (1) For an internship credential: two years.
- 23 (2) For a preliminary credential, pending completion of the clear  
24 credential program: five years.
- 25 (3) For a life credential: the life of the holder.

26 (b) The period for which a credential issued on or after  
27 September 1, 1985, as authorized under Section 44250 is valid,  
28 shall be as follows:

- 29 (1) For an internship credential: two years.
- 30 (2) For a preliminary credential, pending completion of a  
31 beginning teacher induction program approved by the commission  
32 or the clear credential program: five years.
- 33 (3) For a clear teaching credential: the life of the holder, if the  
34 holder submits an application and fee for renewal every five years  
35 and meets all professional fitness requirements under Sections  
36 44339, 44340, and 44341.
- 37 (4) For a clear services credential: the life of the holder, if the  
38 holder submits an application and fee for renewal every five years  
39 and meets all professional fitness requirements under Sections  
40 44339, 44340, and 44341.

1 SEC. 4. Section 44259 of the Education Code is amended to  
2 read:

3 44259. (a) Except as provided in subparagraphs (A) and (C)  
4 of paragraph (3) of subdivision (b), each program of professional  
5 preparation for multiple or single subject teaching credentials shall  
6 not include more than one year of, or the equivalent of one-fifth  
7 of a five-year program in, professional preparation.

8 (b) The minimum requirements for the preliminary multiple or  
9 single subject teaching credential are all of the following:

10 (1) A baccalaureate degree or higher degree from a regionally  
11 accredited institution of postsecondary education. Except as  
12 provided in subdivision (c) of Section 44227, the baccalaureate  
13 degree shall not be in professional education. The commission  
14 shall encourage accredited institutions to offer undergraduate  
15 minors in education and special education to students who intend  
16 to become teachers.

17 (2) Passage of the state basic skills examination that is developed  
18 and administered by the commission pursuant to Section 44252.5.

19 (3) Satisfactory completion of a program of professional  
20 preparation that has been accredited by the committee on  
21 accreditation on the basis of standards of program quality and  
22 effectiveness that have been adopted by the commission. In  
23 accordance with the commission's assessment and performance  
24 standards, each program shall include a teaching performance  
25 assessment as set forth in Section 44320.2 which is aligned with  
26 the California Standards for the Teaching Profession. The  
27 commission shall ensure that each candidate recommended for a  
28 credential or certificate has demonstrated satisfactory ability to  
29 assist pupils to meet or exceed state content and performance  
30 standards for pupils adopted pursuant to subdivision (a) of Section  
31 60605. Programs that meet this requirement for professional  
32 preparation shall include any of the following:

33 (A) Integrated programs of subject matter preparation and  
34 professional preparation pursuant to subdivision (a) of Section  
35 44259.1.

36 (B) Postbaccalaureate programs of professional preparation,  
37 pursuant to subdivision (b) of Section 44259.1.

38 (C) Internship programs of professional preparation, pursuant  
39 to Section 44321, Article 7.5 (commencing with Section 44325),

Article 11 (commencing with Section 44380), and Article 3 (commencing with Section 44450) of Chapter 3.

(4) Study of alternative methods of developing English language skills, including the study of reading as described in subparagraphs (A) and (B), among all pupils, including those for whom English is a second language, in accordance with the commission's standards of program quality and effectiveness. The study of reading shall meet the following requirements:

(A) Commencing January 1, 1997, satisfactory completion of comprehensive reading instruction that is research-based and includes all of the following:

(i) The study of organized, systematic, explicit skills including phonemic awareness, direct, systematic, explicit phonics, and decoding skills.

(ii) A strong literature, language, and comprehension component with a balance of oral and written language.

(iii) Ongoing diagnostic techniques that inform teaching and assessment.

(iv) Early intervention techniques.

(v) Guided practice in a clinical setting.

(B) For the purposes of this section, "direct, systematic, explicit phonics" means phonemic awareness, spelling patterns, the direct instruction of sound/symbol codes and practice in connected text and the relationship of direct, systematic, explicit phonics to the components set forth in clauses (i) to (v), inclusive.

A program for the multiple subjects credential also shall include the study of integrated methods of teaching language arts.

(5) Completion of a subject matter program that has been approved by the commission on the basis of standards of program quality and effectiveness pursuant to Article 6 (commencing with Section 44310) or passage of a subject matter examination pursuant to Article 5 (commencing with Section 44280). The commission shall ensure that subject matter standards and examinations are aligned with the state content and performance standards for pupils adopted pursuant to subdivision (a) of Section 60605.

(6) Demonstration of a knowledge of the principles and provisions of the Constitution of the United States pursuant to Section 44335.

(7) Commencing January 1, 2000, demonstration, in accordance with the commission's standards of program quality and

1 effectiveness, of basic competency in the use of computers in the  
2 classroom as determined by one of the following:

3 (A) Successful completion of a commission-approved program  
4 or course.

5 (B) Successful passage of an assessment that is developed,  
6 approved, and administered by the commission.

7 (c) The minimum requirements for the clear multiple or single  
8 subject teaching credential shall include all of the following  
9 requirements:

10 (1) Possession of a valid preliminary teaching credential, as  
11 prescribed in subdivision (b), possession of a valid equivalent  
12 credential or certificate, or completion of equivalent requirements  
13 as determined by the commission.

14 (2) Subject to the availability of funds in the annual Budget Act  
15 to provide statewide access to eligible beginning teachers, as  
16 defined in subdivision (d) of Section 44279.1 and except as  
17 provided in paragraph (3), completion of a program of beginning  
18 teacher induction, including one of the following:

19 (A) A program of beginning teacher support and assessment  
20 approved by the commission and the Superintendent pursuant to  
21 Section 44279.1, a provision of the Marian Bergeson Beginning  
22 Teacher Support and Assessment System.

23 (B) An alternative program of beginning teacher induction that  
24 is provided by one or more local educational agencies and has  
25 been approved by the commission and the Superintendent on the  
26 basis of initial review and periodic evaluations of the program in  
27 relation to appropriate standards of credential program quality and  
28 effectiveness that have been adopted by the commission, the  
29 Superintendent, and the state board pursuant to this subdivision.  
30 The standards for alternative programs shall encourage innovation  
31 and experimentation in the continuous preparation and induction  
32 of beginning teachers. Any alternative program of beginning  
33 teacher induction that has met state standards pursuant to this  
34 subdivision may apply for state funding pursuant to Sections  
35 44279.1 and 44279.2.

36 (C) An alternative program of beginning teacher induction that  
37 is sponsored by a regionally accredited college or university, in  
38 cooperation with one or more local school districts, that addresses  
39 the individual professional needs of beginning teachers and meets  
40 the commission's standards of induction. The commission shall

1 ensure that preparation and induction programs that qualify  
2 candidates for professional credentials extend and refine each  
3 beginning teacher's professional skills in relation to the California  
4 Standards for the Teaching Profession and the standards of pupil  
5 performance adopted pursuant to Section 60605.

6 (3) (A) If a candidate satisfies the requirements of subdivision  
7 (b), including completion of an accredited internship program of  
8 professional preparation, and if that internship program fulfills  
9 induction standards and is approved as set forth in this subdivision,  
10 the commission shall determine that the candidate has fulfilled the  
11 requirements of paragraph (2).

12 (B) If an approved induction program is verified as unavailable  
13 to a beginning teacher, or if the beginning teacher is required under  
14 the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301  
15 et seq.) to complete subject matter coursework to be qualified for  
16 a teaching assignment, the commission shall accept completion of  
17 an approved clear credential program after completion of a  
18 baccalaureate degree at a regionally accredited institution as  
19 fulfilling the requirements of paragraph (2). The commission shall  
20 adopt regulations to implement this subparagraph.

21 (4) Experience that includes the application of knowledge and  
22 skills previously acquired in a preliminary credential program, in  
23 accordance with commission standards, that addresses the  
24 following:

25 (A) Health education, including study of nutrition,  
26 cardiopulmonary resuscitation, and the physiological and  
27 sociological effects of abuse of alcohol, narcotics, and drugs and  
28 the use of tobacco. Training in cardiopulmonary resuscitation shall  
29 also meet the standards established by the American Heart  
30 Association or the American Red Cross.

31 (B) Field experience in methods of delivering appropriate  
32 educational services to pupils with exceptional needs in regular  
33 education programs.

34 (C) Advanced computer-based technology, including the uses  
35 of technology in educational settings.

36 (d) The commission shall develop and implement standards of  
37 program quality and effectiveness that provide for the areas of  
38 application listed in subparagraphs (A) to (C), inclusive, of  
39 paragraph (4) of subdivision (c), starting in professional preparation  
40 and continuing through induction.



(e) A credential that was issued prior to January 1, 1993, shall remain in force as long as it is valid under the laws and regulations that were in effect on the date it was issued. The commission may not, by regulation, invalidate an otherwise valid credential, unless it issues to the holder of the credential, in substitution, a new credential authorized by another provision in this chapter that is no more restrictive than the credential for which it was substituted with respect to the kind of service authorized and the grades, classes, or types of schools in which it authorizes service.

(f) A credential program that is approved by the commission may not deny an individual access to that program solely on the grounds that the individual obtained a teaching credential through completion of an internship program when that internship program has been accredited by the commission.

(g) Notwithstanding this section, persons who were performing teaching services as of January 1, 1999, pursuant to the language of this section that was in effect prior to that date, may continue to perform those services without complying with any requirements that may be added by the amendments adding this subdivision.

(h) Subparagraphs (A) and (B) of paragraph (4) of subdivision (b) do not apply to any person who, as of January 1, 1997, holds a multiple or single subject teaching credential, or to any person enrolled in a program of professional preparation for a multiple or single subject teaching credential as of January 1, 1997, who subsequently completes that program. It is the intent of the Legislature that the requirements of subparagraphs (A) and (B) of paragraph (4) of subdivision (b) be applied only to persons who enter a program of professional preparation on or after January 1, 1997.

*SEC. 5. Section 44263 of the Education Code is amended to read:*

44263. A teacher licensed pursuant to the provisions of this article may be assigned, with his or her consent, to teach a single subject class in which he or she has 18 semester hours of coursework or nine semester hours of upper division or graduate coursework or a multiple subject class if he or she holds at least 60 semester hours equally distributed among the 10 areas of a diversified major set forth in Section 44314. A three-semester-unit variance in any of the required ~~four~~ 10 areas may be allowed. The governing board of the school district by resolution shall provide

1 specific authorization for the assignment. The authorization of the  
2 governing board shall remain valid for one year and may be  
3 renewed annually.

4 ~~SEC. 5.~~

5 *SEC. 6.* Section 44332.5 of the Education Code is amended to  
6 read:

7 44332.5. (a) A school district that may issue warrants pursuant  
8 to Section 42647 may, at its discretion, provide for the registration  
9 of a valid certification or other document authorizing the holder  
10 to serve in a position requiring certification qualifications as an  
11 employee of the school district.

12 (b) During any period when summary criminal history  
13 information is not available from the Federal Bureau of  
14 Investigation, an applicant for an initial credential, certificate, or  
15 permit shall not be employed in a position requiring certification  
16 qualifications until he or she has met the minimum requirements  
17 for a temporary certificate of clearance. A temporary certificate  
18 of clearance or a credential, certificate, or permit authorizing  
19 service in the public schools shall be issued when the applicant  
20 has:

21 (1) Made full disclosure of all facts necessary to establish his  
22 or her true identity.

23 (2) Made a statement under penalty of perjury that he or she  
24 has not been convicted of a crime which would constitute grounds  
25 for the denial of the credential, permit, or certificate applied for.

26 An applicant shall not be required to disclose, and the Committee  
27 of Credentials shall not inquire into or consider, any acts or  
28 omissions not related to the applicant's fitness to teach or to  
29 perform other duties for which he or she is certificated, or that is  
30 related to his or her competence to perform the duties authorized  
31 by his or her credential.

32 (3) Paid to the Commission on Teacher Credentialing the amount  
33 of twelve dollars (\$12) or the fees or costs which have been or will  
34 be assessed by the Federal Bureau of Investigation for the issuance  
35 of its summary criminal history of the applicant when this  
36 information is once again made available to the commission. The  
37 fees authorized by this paragraph shall be applicable to all  
38 credentials, permits, and certificates which were applied for or  
39 issued after October 1, 1981.

1 (c) Upon receipt of a statement from the Federal Bureau of  
2 Investigation that it has no summary criminal history information  
3 on the applicant, or upon receipt of the summary criminal history  
4 information and clearance by the Committee of Credentials, a  
5 temporary certificate of clearance shall be converted to a regular  
6 certificate of clearance.

7 ~~SEC. 6.~~

8 *SEC. 7.* Section 44421 of the Education Code is amended to  
9 read:

10 44421. The Commission on Teacher Credentialing shall  
11 privately admonish, publicly reprove, revoke or suspend for  
12 immoral or unprofessional conduct, or for persistent defiance of,  
13 and refusal to obey, the laws regulating the duties of persons  
14 serving in the public school system, or for any cause that would  
15 have warranted the denial of an application for a credential or the  
16 renewal thereof, or for evident unfitness for service.

17 ~~SEC. 7.~~

18 *SEC. 8.* Section 44422 of the Education Code is amended to  
19 read:

20 44422. Whenever the holder of a credential issued by the State  
21 Board of Education or the Commission on Teacher Credentialing  
22 is charged with immoral or unprofessional conduct or evident  
23 unfitness for service or persistent defiance of, and refusal to obey,  
24 the laws regulating the duties of his *or her* position, the commission  
25 in its discretion after notifying the person charged of its intention  
26 to do so, may require the county board of education of the county  
27 in which he *or she* is serving or has last served to give notice of,  
28 and conduct, a hearing of the charges in the manner prescribed by  
29 law for the hearing of charges for private admonition, or for the  
30 revocation or suspension of a certificate by a county board of  
31 education.

32 The county board of education, after the hearing, shall report to  
33 the commission its findings, and a summary of the evidence, and  
34 shall make a definite recommendation concerning the revocation  
35 or suspension of the credential.

36 Upon receipt of a copy of the findings, summary of evidence,  
37 and recommendation, the commission may privately admonish the  
38 holder of the credential, or suspend or revoke the credential for  
39 the causes stated, or order the charges dismissed.

1     ~~SEC. 8.~~

2     ~~SEC. 9.~~ Section 44426 of the Education Code is amended to  
3 read:

4     44426. Whenever the holder of a credential issued by the State  
5 Board of Education or the Commission on Teacher Credentialing  
6 has been determined to be a sexual psychopath under the provisions  
7 of Article 1 (commencing with Section 6300) of Chapter 2 of Part  
8 2 of Division 6 of the Welfare and Institutions Code or under  
9 similar provisions of law of any other state, the commission shall  
10 forthwith suspend the credential. If the determination is reversed  
11 and the holder is determined not be a sexual psychopath in a new  
12 proceeding or the proceeding to determine whether he *or she* is a  
13 sexual psychopath is dismissed, the commission shall forthwith  
14 terminate the suspension of the credential. When the determination  
15 becomes final, the commission shall forthwith revoke the  
16 credential.

17     ~~SEC. 9.~~

18     ~~SEC. 10.~~ Section 44830.7 of the Education Code is amended  
19 to read:

20     44830.7. Every contract for employment for a position requiring  
21 certification qualifications between a school district governing  
22 board and a person who possesses certification qualifications from  
23 another state shall provide that employment shall terminate upon  
24 notice by the Commission on Teacher Credentialing to the district  
25 and the employee, that the employee does not have the necessary  
26 qualifications for the credential required by law for the position  
27 for which the service was rendered.

28     ~~SEC. 10.~~

29     ~~SEC. 11.~~ Section 44853 of the Education Code is amended to  
30 read:

31     44853. The governing board of any school district, subject to  
32 the rules and regulations prescribed by the state board, may enter  
33 into an agreement with the proper authorities of any foreign  
34 country, or of any state, territory, or possession of the United  
35 States, or other district within the state, for the exchange and  
36 employment of regularly credentialed employees and employees  
37 of public schools of any foreign country, state, territory, or  
38 possession, or other district within this state. Any certificated  
39 person employed as provided in this section shall be known as an

1 “exchange certificated employee.” No exchange shall be made  
2 without the consent of the employee to be exchanged.

3 Due consideration shall be given to the general qualifications  
4 and professional status of the exchange employee as compared to  
5 the general qualifications and professional status of the employee  
6 for whom exchanged. However, it shall not be a requirement that  
7 an exchange certificated employee be a teacher of the same subject  
8 or grade, or both, as the employee for whom exchanged. If the  
9 service authorized is other than teaching, it shall not be a  
10 requirement that the service be at the same grade level or that the  
11 service be exactly the same as the employee for whom exchanged.

12 A person shall not be employed as an exchange employee by a  
13 school district in the state unless he or she holds the necessary  
14 valid credential or credentials issued by the Commission on  
15 Teacher Credentialing authorizing the person to serve in a position  
16 requiring certification qualifications in the school district proposing  
17 to employ the person. The commission may establish minimum  
18 standards for the credentials for exchange certificated employees,  
19 provided that no exchange certificated employee shall be required  
20 to pay a fee or other charge for the issuance of any necessary valid  
21 credential or credentials authorizing him or her to serve in a  
22 position requiring certification qualifications in any school district  
23 in this state.

24 An exchange agreement may be made for a period not to exceed  
25 three years.

26 At the end of the assignment period, the exchange, with the  
27 consent of all parties, may be made complete and permanent.

28 ~~SEC. 11.~~

29 *SEC. 12.* Section 44856 of the Education Code is amended to  
30 read:

31 44856. The governing board of a school district, for the  
32 purposes of providing bilingual instruction, foreign language  
33 instruction, or cultural enrichment, in the schools of the district,  
34 subject to the rules and regulations of the state board, may conclude  
35 arrangements with the proper authorities of a foreign country, or  
36 of a state, territory, or possession of the United States, for the hiring  
37 of bilingual teachers employed in public or private schools of a  
38 foreign country, state, territory, or possession. To be eligible for  
39 employment, the teacher must speak English fluently. Any persons

1 employed pursuant to this section shall be known as a “sojourn  
2 certificated employee.”

3 A person shall not be hired as a sojourn certificate employee by  
4 a school district unless he or she holds the necessary valid  
5 credential or credentials issued by the Commission on Teacher  
6 Credentialing authorizing the person to serve in a position requiring  
7 certification qualifications in the school district proposing to  
8 employ him or her. The person may be employed for a period not  
9 to exceed two years, except that thereafter the period of  
10 employment may be extended from year to year for a total period  
11 of not more than five years upon verification by the employing  
12 district that termination of the employment would adversely affect  
13 an existing bilingual or foreign language program or program of  
14 cultural enrichment, and that attempts to secure the employment  
15 of a certificated California teacher qualified to fill the position  
16 have been unsuccessful. The commission shall establish minimum  
17 standards for the credentials for sojourn certificated employees.

18 ~~SEC. 12.~~

19 *SEC. 13.* Section 44917 of the Education Code is amended to  
20 read:

21 44917. Except as provided in Sections 44888 and 44920,  
22 governing boards of school districts shall classify as substitute  
23 employees those persons employed in positions requiring  
24 certification qualifications, to fill positions of regularly employed  
25 persons absent from service.

26 After September 1 of any school year, the governing board of  
27 any school district may employ, for the remainder of the school  
28 year, in substitute status any otherwise qualified person who  
29 consents to be employed in a position for which no regular  
30 employee is available, including persons retired for service under  
31 the State Teachers’ Retirement System. Inability to acquire the  
32 services of a qualified regular employee shall be demonstrated to  
33 the satisfaction of the Commission on Teacher Credentialing.

34 Any person employed for one complete school year as a  
35 temporary employee shall, if reemployed for the following school  
36 year in a position requiring certification qualifications, be classified  
37 by the governing board as a probationary employee and the  
38 previous year’s employment as a temporary employee shall be  
39 deemed one year’s employment as a probationary employee for  
40 purposes of acquiring permanent status.

1     ~~SEC. 13.~~

2     *SEC. 14.* Section 44980 of the Education Code is amended to  
3 read:

4     44980. Any certificated employee of any school district who  
5 accepts a position requiring certification qualifications in the office  
6 of any county superintendent of schools; or, any certificated  
7 employee of any county superintendent of schools who accepts a  
8 position requiring certification qualifications in a school district  
9 or office of another county superintendent of schools; or, any  
10 person employed by the state department in a position requiring  
11 certification qualifications or an employee of the office of the  
12 Chancellor of the California Community Colleges who accepts a  
13 position requiring certification qualifications in any school district  
14 or office of any county superintendent of schools; or, any  
15 certificated employee of the Commission on Teacher Credentialing  
16 who accepts a position requiring certification qualifications in any  
17 school district or office of any county superintendent of schools;  
18 shall have transferred with him or her to the second position his  
19 or her accumulated leave of absence for illness or injury. The  
20 amount of leave to be transferred shall be determined in the same  
21 manner as provided in Section 44979. All other provisions of  
22 Section 44979 shall also apply to the employees and employers  
23 described in this section.

24     ~~SEC. 14.~~

25     *SEC. 15.* Section 44987.3 of the Education Code is amended  
26 to read:

27     44987.3. (a) The governing board of a school district shall  
28 grant to any employee, upon request, a leave of absence without  
29 loss of any compensation for the purpose of enabling the employee  
30 to serve on any of the following boards, commissions, committees,  
31 or groups, so long as the requirements of subdivision (b) are  
32 satisfied:

33     (1) Advisory Commission on Special Education, as provided  
34 for by Section 33590.

35     (2) Advisory committee for child care and development services,  
36 as provided in Section 8286.

37     (3) Curriculum Development and Supplemental Materials  
38 Commission, as provided for by Section 33530.

39     (4) Educational Innovation and Planning Commission, as  
40 provided for by Section 33502.

1 (5) Educational Management and Evaluation Commission, as  
2 provided for by Section 33550.

3 (6) Any other group, commission, or board authorized by statute;  
4 or commission or board, any of whose members are appointed by  
5 the Governor or the state board; whose purposes and activities are  
6 to further public education, exclusive of the Commission on  
7 Teacher Credentialing.

8 (b) A leave of absence shall not be granted unless all the  
9 following requirements are satisfied:

10 (1) Service is performed in the State of California.

11 (2) The board, commission, committee, or group, in writing,  
12 informs the employee's district of the service.

13 (3) The board, commission, committee, or group agrees, prior  
14 to service, to reimburse the school district pursuant to subdivision  
15 (d).

16 (c) The leave of absence shall be limited to 20 schooldays per  
17 school year.

18 (d) Following the school district's payment of the employee for  
19 the leave of absence, the school district shall be reimbursed by the  
20 board, commission, committee, or group that the employee serves  
21 for the compensation paid to the employee's substitute and for  
22 actual administrative costs related to the leave of absence granted  
23 to the employee under this section, upon written request for  
24 reimbursement by the school district. Reimbursement by the board,  
25 commission, committee, or group shall be made within 10 days  
26 after its receipt of the school district's certification of payment of  
27 compensation to the employee and of payment of compensation  
28 to the employee's substitute.

29 (e) The leave of absence without loss of compensation provided  
30 for by this section is in addition to the release time without loss of  
31 compensation granted to representatives of an exclusive  
32 representative by subdivision (c) of Section 3543.1 of the  
33 Government Code and the leave of absence granted employees by  
34 Section 44987.

35 (f) As used in this section, "school district" also means a county  
36 superintendent of schools.

37 ~~SEC. 15.~~

38 *SEC. 16.* Section 52127 of the Education Code is amended to  
39 read:



1 52127. (a) As a condition to receiving an apportionment  
2 pursuant to Section 52126, school districts shall have a staff  
3 development program that requires a certificated teacher who will  
4 provide direct instructional services for a class participating in the  
5 school district's class size reduction program to receive the  
6 appropriate training necessary to maximize the educational  
7 advantages of class size reduction. This training shall include, but  
8 not be limited to, methods for providing each of the following:

- 9 (1) Individualized instruction.  
10 (2) Effective teaching, including classroom management, in  
11 smaller classes.  
12 (3) Identifying and responding to pupil needs.  
13 (4) Opportunities to build on the individual strengths of pupils.  
14 (b) School districts may use funds currently received for staff  
15 development or funds received under this chapter to meet the  
16 requirements of this section.

17 ~~SEC. 16.~~

18 *SEC. 17.* Section 52163 of the Education Code is amended to  
19 read:

20 52163. Unless the context otherwise requires, the definitions  
21 set forth in this section shall govern the construction of this article.

22 (a) "Basic bilingual education" is a system of instruction that  
23 builds upon the language skills of the pupil and that consists of,  
24 but is not limited to, all of the following:

25 (1) A structured English language development component with  
26 daily instruction leading to the acquisition of English language  
27 proficiency, including English reading and writing skills.

28 (2) A structured primary language component with daily basic  
29 skills instruction in the primary language for the purpose of  
30 sustaining achievement in basic subject areas until the transfer to  
31 English is made.

32 As the pupil develops English language skills, the amount of  
33 instruction offered through English shall increase.

34 (b) "Bilingual-bicultural education" is a system of instruction  
35 that uses two languages, one of which is English, as a means of  
36 instruction. It is a means of instruction that builds upon and  
37 expands the existing language skills of each participating pupil,  
38 that will enable the pupil to achieve competency in both languages.

39 This instruction shall include all of the following:

(1) Daily instruction in English language development that shall include:

(A) Listening and speaking skills.

(B) Reading and writing skills; formal instruction in reading and writing of English shall be introduced when appropriate criteria are met.

(2) Language development in the pupil's primary language, including oral and literacy skills.

(3) Reading in the pupil's primary language.

(4) Selected subjects taught in the pupil's primary language.

(5) Development of an understanding of the history and culture of California and the United States, as well as an understanding of customs and values of the cultures associated with the languages being taught.

(c) (1) "Experimental bilingual programs" are:

(A) Innovative programs that are consistent with the provisions of this article, the requirements for bilingual teaching personnel pursuant to Section 52165, and the requirements for English language and primary language development pursuant to this section. Innovative programs may include new management approaches, greater emphasis on team teaching, or other appropriate improvements that expand the learning opportunities of pupils of limited English proficiency. Unless waivers of code sections are required, ~~projects~~ *project* approval of the state board is not required. A description of each innovative program shall be included with the consolidated application for program funding and an annual evaluation of the programs shall be included in the multiple-funded program evaluation required pursuant to Section 33403.

(B) Planned variation programs for the purpose of comparing and improving language development programs for pupils of limited English proficiency. A primary focus shall be on appropriate instruction for pupils of limited English proficiency whose English skills are superior to their skills in their primary language.

A focus may also be placed upon situations in which the number of pupils who, in accordance with Section 52165, would be required to receive instruction pursuant to subdivision (a) or (b) of Section 52163, is substantially smaller than the census indicated for the previous year, in which case all pupils of limited English proficiency shall receive instruction through individual learning

1 programs during the preparation of the district's proposal and the  
2 consideration of the proposal by the state board. The programs  
3 shall be authorized by the state board in up to 300 classrooms in  
4 1982–83 and up to 700 classrooms in 1983–84 and each school  
5 year thereafter in districts that are representative of the state both  
6 geographically and by size. Not more than 30 classrooms in  
7 1982–83 and 50 classrooms in 1983–84, that may or may not be  
8 in another school, shall be approved in any one district. The  
9 programs shall not result in segregation. For districts proposing a  
10 planned variation program, the staffing requirements of Section  
11 52165 may be partially or totally waived by the state board  
12 provided that the district has an inadequate number of certified  
13 bilingual teachers, that certified bilingual teachers are not replaced,  
14 that present level of effort is not reduced, and that the proposed  
15 language development program is appropriate. For each  
16 participating classroom there shall be another similar classroom  
17 in the district that has fully implemented and is in compliance with  
18 the other provisions of this article.

19 (2) Proposals for planned variation programs shall include, but  
20 need not be limited to:

21 (A) A clear statement of the purposes, goals, and objectives for  
22 planned variation programs and projected outcomes.

23 (B) A delineated management, staffing, and instructional plan.

24 (C) Pupil identification, diagnosis, and assessment procedures.

25 (D) Evidence of qualified bilingual and other instructional staff  
26 with demonstrated competence in language development, bicultural  
27 or multicultural knowledge of participating pupils, and instructional  
28 methodologies.

29 (E) Documented parent and community participation and  
30 support.

31 (F) Use of state and federal funding, where applicable.

32 (G) Evaluation component that controls for instructional  
33 treatments, instructional engaged time, staffing, pupil language  
34 characteristics, achievement, attendance, and related data.

35 (H) For purposes of this subdivision, if formal action upon a  
36 proposal for a planned variation program is not taken by the state  
37 board on or before the second regular meeting of the state board  
38 following the receipt of a complete and documented proposal, the  
39 proposal shall be deemed approved for the remainder of the school  
40 year.

1     Proposals that meet the requirements of this subdivision shall  
2     be approved by the state board in accordance with standards  
3     established in subdivision (b) of Section 52820.

4     Proposals may be approved annually for a second, third, or fourth  
5     year based upon a demonstration of compliance with planned  
6     variation program requirements.

7     (3) The department shall include in its annual report to the  
8     Legislature submitted pursuant to Sections 33405 and 52171.6 the  
9     number and nature of experimental bilingual and planned variation  
10    programs and progress of participating pupils.

11    (4) Nothing contained in this subdivision shall be construed to  
12    permit the operation of experimental bilingual and planned  
13    variation programs contrary to the purposes or intent of this article  
14    and other state or federal statutes and regulations promulgated for  
15    and on behalf of pupils of limited English proficiency. The primary  
16    goal of all programs shall be to teach the pupil English.

17    (d) “Secondary level language development program” is a  
18    program in grades 7 to 12 that provides a prescriptive English  
19    language program that systematically develops a pupil’s listening  
20    and speaking skills, knowledge of linguistic and grammatical  
21    structure leading to proficiency in reading and writing English.  
22    The prescriptive English language program shall be based on the  
23    diagnosis of a pupil’s language skills pursuant to Sections 52164  
24    and 52164.1 and shall be conducted as an integral instructional  
25    program of English curriculum for not less than one full period a  
26    day or its equivalent for the purpose of providing pupils with  
27    minimum English language competencies pursuant to subdivision  
28    (e). The primary goal of the programs shall be to teach pupils the  
29    English language.

30    In addition to the prescriptive English language program required  
31    by this subdivision, a secondary level language development  
32    program shall provide primary language instructional support to  
33    sustain academic achievement in nonelective content subject areas  
34    required for high school graduation consistent with current law.

35    Instruction in a secondary level language development program  
36    shall be provided either by a language development specialist, or  
37    by a certified bilingual-crosscultural teacher, who has received the  
38    recommendation of the local superintendent of schools verifying  
39    in writing that the teacher is competent and qualified to teach an

1 English-as-a-second-language component, as measured by the  
2 district's personnel evaluation system.

3 School districts offering an instructional program pursuant to  
4 this subdivision shall not be required to provide a secondary level  
5 individual learning program, as defined in subdivision (e), but  
6 shall be required to maintain records documenting all parental  
7 notices and of the continuing evaluation of pupil needs and  
8 services.

9 A school district may make a secondary level language  
10 development program available to pupils enrolled in grade 6  
11 whenever that grade is maintained by the district in a middle school  
12 comprised of any of grades 6, 7, 8, or 9.

13 (e) "Secondary level individual learning program" is an  
14 individualized systematic program of instruction that meets the  
15 needs of limited-English-proficient pupils and builds upon their  
16 language skills in order to develop proficiency in English. This  
17 program shall be offered in a manner consistent with the United  
18 States Supreme Court decision in *Lau vs. v. Nichols* (414 U.S.  
19 563), the Equal Education Opportunities Act of 1974 (20 U.S.C.  
20 Sec. 1701 et seq.) and federal regulations promulgated pursuant  
21 to those court decisions and federal statutes. The primary goal of  
22 the programs shall be to teach the pupil English.

23 (f) "Elementary level individual learning program" is any  
24 program of instruction for a pupil of limited English proficiency  
25 in which any one of the three program options described in  
26 subdivision (a), (b), or (c) is individualized to meet the needs of  
27 the pupil of limited English proficiency and is offered in a manner  
28 consistent with the requirements of this article. Instruction shall  
29 be offered in a manner consistent with the United States Supreme  
30 Court decision in *Lau v. Nichols* (414 U.S. 563), the Equal  
31 Educational Opportunities Act of 1974 (20 U.S.C. Sec. 1701 et  
32 seq.), and federal regulations promulgated pursuant to those court  
33 decisions and federal statutes. The primary goal of the programs  
34 shall be to teach the pupil English.

35 (g) "Primary language" is a language other than English that is  
36 the language the pupil first learned or the language that is spoken  
37 in the pupil's home.

38 (h) "Bilingual-crosscultural teacher" means a person who (1)  
39 holds a valid, regular California teaching credential and (2) holds  
40 either a bilingual-crosscultural certificate of proficiency or other

1 credential in bilingual education authorized by the Commission  
2 on Teacher Credentialing or a bilingual-crosscultural specialist  
3 credential. The person shall be fluent in the primary language and  
4 familiar with the cultural heritage of limited-English-proficiency  
5 pupils in the bilingual classes he or she conducts. The person shall  
6 have a professional demonstrated working knowledge of the  
7 methodologies that are necessary to effectively educate those  
8 pupils.

9 (i) “Bilingual-crosscultural teacher aide” means an aide fluent  
10 in both English and the primary language of the pupil or pupils of  
11 limited English proficiency in a bilingual-bicultural program. The  
12 aide shall be familiar with the cultural heritage of pupils of limited  
13 English proficiency in the bilingual classes to which he or she is  
14 assigned.

15 (j) “State board” means the State Board of Education.

16 (k) “Superintendent” means the Superintendent of Public  
17 Instruction.

18 (l) “Basic skills” means language arts, including, but not limited  
19 to, reading and writing, and mathematics.

20 (m) “Pupils of limited English proficiency” are pupils who do  
21 not have the clearly developed English language skills of  
22 comprehension, speaking, reading, and writing necessary to receive  
23 instruction only in English at a level substantially equivalent to  
24 pupils of the same age or grade whose primary language is English.  
25 The determination of which pupils are pupils of limited English  
26 proficiency shall be made in accordance with the procedures  
27 specified in Sections 52164 and 52164.1. Pupils who have no  
28 proficiency in their primary language are not included within this  
29 definition.

30 (n) “Pupils of fluent English proficiency” are pupils whose  
31 English proficiency is comparable to that of the majority of pupils,  
32 of the same age or grade, whose primary language is English.

33 (o) “Department” means the State Department of Education.